

Preliminary Amendment

**TOWNSEND and TOWNSEND and CREW LLP**  
 Two Embarcadero Center, 8<sup>th</sup> Floor  
 San Francisco, California 94111-3834  
 (415) 576-0200

Attorney Docket No. 0287S-004820US

In re application of: **PHILIP S. GREEN**

Date: July 14, 1999

Application No.: 08/709,930

I hereby certify that this is being transmitted via facsimile to Examiner RICHARD LEE @ 703/308-5359 and addressed to:

Filed: September 9, 1996

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Group Art Unit: 1941

For: **SURGICAL SYSTEM**

**THE ASSISTANT COMMISSIONER FOR PATENTS**  
 Washington, D.C. 20231

Signed: Karen A. Hallock

Karen A. Hallock

Sir:

Transmitted herewith is a **Fourth Supplementary Preliminary Amendment and Request for Interference with U.S. Patent No. 5,907,664 Under 37 CFR §1.607** in above-identified application.

If any extension of time is needed, then this response should be considered a petition therefor.  
 The filing fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA
TOTAL	* 41	MINUS	** 38	=	3
INDEP.	* 12	MINUS	*** 10	=	2
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE		RATE	ADDIT. FEE
x \$9.00 =			x \$18.00 =	\$54.00
x \$39.00 =			x \$78.00 =	\$156.00
+ \$130.00 =			+ \$260.00 =	
TOTAL ADDIT. FEE		OR	TOTAL	\$210.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, then write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

[ ] No fee is due.

Please charge Deposit Account No. 20-1430 as follows:

[ X ] Claims fee \$ \$210.00  
 [ X ] Any additional fees associated with this paper or during the pendency of this application.

2 copies of this sheet are enclosed.

**TOWNSEND and TOWNSEND and CREW LLP**

Mark D. Barrish  
 Mark D. Barrish, Reg. No.: 36,443  
 Attorneys for Applicant

I hereby certify that this correspondence is being sent by facsimile transmission to Examiner Richard Lee @703/308-5359:

On JULY 14, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: 

Karen A. Hallock

PATENT

Attorney Docket No. 0287S-004820

# 20 /  
14

BH  
9-24-99

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

PHILIP S. GREEN

Application No.: 08/709,930

Filed: September 9, 1996

For: SURGICAL SYSTEM

Examiner: LEE, RICHARD

Art Unit: 1941

**FOURTH SUPPLEMENTARY  
PRELIMINARY AMENDMENT AND  
REQUEST FOR INTERFERENCE  
WITH U.S. PATENT NO. 5,907,664  
UNDER 37 C.F.R. §1.607**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced Continuation Prosecution Application under 37 C.F.R. §1.53(d) (transmittal filed on May 28, 1999), please enter the following Amendments and remarks.

IN THE CLAIMS:

Please add claims 144-146 as follows:

- 1 --144. A system for allowing a surgeon to control a surgical instrument that is  
2 inserted through an incision of a patient, wherein the incision defines a pivot point, comprising:  
3 an articulate arm having an end effector for holding the surgical instrument, an  
4 active joint for moving said end effector, and an actuator for spinning the surgical instrument;  
5 a first input device for receiving an input command from the surgeon; and  
6 a controller for receiving said input command, for computing a movement of  
7 said articulate arm based on said input command, for providing an output command to actuate  
8 said active joint and said actuator, and for moving the surgical instrument about the pivot  
9 point.